D.B. CIVIL SPECIAL APPEAL (w) NO.703/2006
(Mahila Hastkala Sahkari Samiti Ltd. Vs. State & Ors.)

Date of order : 21.11.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. A.K. Rajvanshi, for the appellant.

Having heard learned counsel for the appellant, we are of the opinion that no case for interference is made out. The fact that after opening of the tender, six persons were found not to fulfill the conditions and considering the low number of competitive bidders, fresh tenders were invited by relaxing criteria for eligibility, does not affect the petitioner adversely to call for interference. The petitioner has no vested right to secure a contract. He has right to be considered for such grant along with others on even terms.

Learned counsel for the appellant has urged that by this process his rates in the tender have been disclosed to other tenderers and therefore, he is likely to suffer. We are unable to sustain the contention of the learned counsel for the appellant.

In Ramena Dayaram Shetty Vs. International Airport Authority of India, AIR 1979 SC 1628, Supreme Court has held that if any application or tender for

grant of State largess is to be considered by granting relaxation in terms already set in advertisement, fairness demands that fresh applications be invited by disclosing the relaxed conditions so that those who fall in the eligibility criteria as per relaxed term may also avail their chance. The existing application alone if considered by grant of relaxation, it would breach the fairness of procedure adopted in grant of State largess.

The action taken by the respondents is in accordance with the law laid down by Hon'ble Supreme Court in aforesaid case.

No interference is called for in the matter. The appeal is dismissed.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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